

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) ZHN, LLC,

Plaintiff,

v.

(1) RANDY MILLER, LLC,
(2) RANDY L. MILLER,
(3) LIPPARD AUCTIONEERS, INC.,
(4) TROY LIPPARD,
(5) ANGIE LIPPARD,
(6) BRADY LIPPARD, and
(7) JERRY WHITNEY
(8) UNITED COUNTRY REAL
ESTATE, INC. d/b/a UNITED
COUNTRY REAL ESTATE
SERVICES,

Defendant.

(1) RANDY MILLER, LLC,
(2) RANDY L. MILLER,

Third Party Plaintiffs,

v.

(1) ALEXANDER MAGID
a/k/a ALEX MAGID,

Third Party Defendant.

**DEFENDANTS RANDY MILLER, LLC AND RANDY L. MILLER'S
OBJECTIONS TO PLAINTIFF'S FINAL WITNESS AND EXHIBIT LIST**

Pursuant to the Order entered December 9, 2014 [Dkt. No. 143], Defendants respectfully submit the following objections to Plaintiff's lists of witnesses and exhibits.

I. Witnesses

Plaintiff listed two hundred and one witnesses, while only labeling thirty-two of its listed witnesses "Will likely call", the remaining entries are labeled "Will likely not call," with six entries listed as generalized categories regarding any witness needed at trial. (Doc. 181 at 196-201). One hundred and sixty-three "Will likely not call" witnesses, many of whom are only listed as having a bidder number and lacking any indication that they may be called or used for any need that could arise at trial. Fed. R. Civ. P. 26(a)(3)(A)iii requires "an identification of each document or other exhibit, including summaries of other evidence – separately identifying those items the party expects to offer and those it may offer if the need arises. The Defendant objects to the list as propounded and offers the following objections.

<u>Plaintiff's Witness No.</u>	<u>Defendant's Objection</u>
9. Adams, John Q.	Not provided in discovery as required by FRCP 26(e)(1) (A)
43. Hodgden, John Esquire	FRE 401 – Relevance; FRE 403 – Cumulative, confusion and prejudice
9-19, 21-22, 25-27, 29-30, 32, 35-42, 44-45, 50, 52-53, 57-67, 70-71, 73-77, 80, 82-86, 88-90, 92, 96-100, 102-104, 106-110, 112-116, 118-119, 122-139, 141-146, 148, 151-156, 160-163, 165-166, 170-171, 174-177, 180, 182, 184-189, 193-194	Only listed proposed testimony as Bidder does not give the subject of their testimony or the information they will provide to support Plaintiff's claims or defenses as required by FRCP 26(a)(1)(A)(i); Not properly described and identified as required by FRCP 26(a)(A)(iii)

8-27, 29-32, 35-42, 44-47, 50-66, 68, 70-77, 80-86, 88-93, 97, 99-104, 107-112, 115-119, 121-148, 150-156, 158-166, 168-180, 182-184, 186-195	The pretrial scheduling order filed August 6, 2013, requires “the listing of witnesses and exhibits shall separately state those expected to be called or used and those which may be called or used if the need arises.” Plaintiff listed 163 of 232 witnesses as “Will likely not call.” The phrase “Will likely not call” indicates those witnesses are not likely to be called for any reason, a failure to abide by the order.
34. Clafin, Larry	Defendants reserve the right to object based on Daubert And to object to the Expert witness report in accordance with the court’s current scheduling order FRE 701, 702, 703, 705 – Scope and basis of testimony
43. Hodgden, John Esquire	FRE 502 - attorney client privilege and work product FRE 401 – Relevance; FRE 403 – Cumulative, confusion and prejudice
48. Representative(s) of Drilling Mud Supply, Inc.	FRE 401 – Relevance FRE 403 – confusion and prejudice
67. Hare, Bill	Not properly described and identified as required by FRCP 26(a)(A); and Not properly described and identified as required by FRCP 26(a)(A)(iii); and Not provided in discovery as required by FRCP FRE 401 – Relevance; FRE 403 – Cumulative, confusion and prejudice
87. Kershen, Drew L.	Not properly described and identified as an expert required by FRCP 26(a)(A), Et seq.; and Not properly described and identified as required by FRCP 26(a)(A)(iii); and Not provided in discovery as required by FRCP 26(e)(1) (A) FRE 701, 702, 703, 705 – Scope and basis of testimony FRE 401 – Relevance; FRE 403 – Cumulative, confusion and prejudice FRE 602 - foundation and knowledge
120. Novatni, Michael (“Mike”) J., Esquire	FRE 401 – Relevance; FRE 403 – Cumulative, confusion and prejudice FRE 408 – Settlement; FRE 801 – Hearsay; Litigation conduct and the nature of discovery disputes is not a proper matter for the jury to consider.

167. Tack, James (“Jim”) D., Jr.	FRE 401 – Relevance; FRE 403 – Cumulative, confusion and prejudice FRE 408 – Settlement; FRE 801 – Hearsay; Litigation conduct and the nature of discovery disputes is not a proper matter for the jury to consider.
185. Wiggins, Perry	Not properly described and identified as an expert required by FRCP 26(a)(A), Et seq.; and FRE 701, 702, 703, 705 – Scope and basis of testimony FRE 401 – Relevance; FRE 403 – Cumulative, confusion and prejudice FRE 602 - foundation and knowledge
196. Internet Bidders . . . 197. Any person deposed during the remainder . . . 198. Any person identified between now and the time of trial . . . 199. Any person needed to authenticate doc . . . 200. Any person necessary for rebuttal . . .	Plaintiff failed to identify what documents and where or by whom those documents would have been created. At this stage in the litigation Plaintiff has been provided enough discovery to properly designate the exhibits they intend to utilize at trial. Without any date range or limitation on these designations, it is impossible for Defendants to anticipate what the exhibits at trial would consist of. Plaintiff fails to identify the specific documentation. Without individual identification it is impossible for Defendants to object to relevancy or make other objections. Such a wide range of possible exhibits can stem from these designations that it is impossible for each of the documents produced for each of these designations to be relevant.

II. Exhibits

The court need not put itself in the realm of resolving hypothetical disputes as to exhibits and deposition designations that the parties have no real intent of actually offering at trial and, in fact, could not actually be presented as a practical matter given the time restrictions. *Carnegie Mellon University v. Marvell Technology Group, Ltd.*, Case No. 09-290 (W.D. Penn. Oct. 24, 2012). However, without any date range or limitation

on these designations, it is impossible for Defendants to anticipate what the exhibits at trial would consist of. Plaintiff fails to identify the specific documentation. Fed. R. Civ. P. 26(a)(3)(A)iii requires “an identification of each document or other exhibit, including summaries of other evidence – separately identifying those items the party expects to offer and those it may offer if the need arises. Without individual identification it is impossible for Defendants to make concise and limited objections to relevancy or limit objections. Such a wide range of possible exhibits can stem from these designations that it is impossible for each of the documents produced for each of these designations to be relevant.

Defendants submit the following objections:

#	Document	Objection
1.	Member Broker Franchise Agreement between United Country and Lippard (UC00007-00038; Depo. Ex. 27, T. Lippard; Depo. Ex. 44, M. Jones)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice Deposition Exhibit reference is different than Bates number document described
2.	Amendment to Member Broker Franchise Agreement between United Country and Lippard (UC00005-00006; Depo. Ex. 27, T. Lippard; Depo. Ex. 44, M. Jones)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice Deposition Exhibit reference is different than Bates number document described
3.	Convention presentation of United Country, “What are Goals and Benefits of Auction Marketing?” (UC00408; Depo. Ex. 49, M. Jones)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice Deposition Exhibit reference is different than Bates number document described

#	Document	Objection
4.	“Welcome to the Auction” from United Country, Lippard Auctioneers (ZHN-002074)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice
5.	Amendment to Member Broker Franchise Agreement between United Country and Lippard (UC00001-00004; Depo. Ex. 27, T. Lippard; Depo. Ex. 44, M. Jones)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice Deposition Exhibit reference is different than Bates number document described
6.	E-mail from Troy Lippard to Alex Magid (ZHN-001561; Depo. Ex. 26, T. Lippard)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice
7.	Brochure re: Absolute Auction in Anthony, Kansas (ZHN-002171-002174; Depo. Ex. 67, J. Whitney)	FRE 401 – Relevance; FRE 403 – Cumulative and prejudice; and FRE 801 - Hearsay
8.	Territory TOW Newsletter from United Country re: land auction in Enid, Oklahoma (UC00290; Depo. Ex. 49, M. Jones)	FRE 401 – Relevance; FRE 403 – Cumulative and prejudice; and FRE 801 – Hearsay Deposition Exhibit reference is different than Bates number document described
9.	E-mail from Dave Rose (United Country) to Lippard re: congratulations (UC00101; Depo. Ex. 49, M. Jones)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice Deposition Exhibit reference is different than Bates number document described
10.	E-mails between Angie Lippard and Alex Mgid (ZHN-001667-001668)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice
11.	General Warranty Deed by Hughbanks (ZHN – 002156-2164; Depo. Ex. 68, J. Whitney)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice
12.	E-mails between Angie Lippard and Alex Magid re: minerals (ZHN-000432)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice

#	Document	Objection
13.	E-mail from Troy Lippard to Alex Magid re: Waco, Texas realtor (ZHN-001913)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice
14.	Commission Agreement between Randy Miller and Dye Oil Co. (Dye Oil Co. -000104-000105; Depo. Ex. 33, Randy Miller; Depo. Ex. 33, Dye)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice
15.	Exclusive Right to Purchase Agreement between Randy Miller, Randy Miller, LLC and Dye Oil Co.(Dye Oil Co. -000022-000033; Depo. Ex. 3, Dye)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice
16.	Commission Agreement between Randy Miller, Randy Miller, LLC and Zane Fleming (Dye Oil Co.-000034-000035; Depo. Ex. 4, Dye)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice
17.	Agreement between Zane Fleming and Dye Oil Co., LLC (Dye Oil Co.-000036-000038; Depo. Ex. 5, Dye)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice
18.	Letter from John Hodgden to Gary Dye with billing statement (Dye E-mails-000052-000054; Depo. Ex. 6, Dye)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice; and FRE 801 - Hearsay
19.	E-mails between Gary Dye and John Hodgden re: Randy Miller, LLC; includes attachments (Dye E-mails-000050-000057)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice; and FRE 801 - Hearsay
21.	E-mail from Gary Dye to Louis Talarico re: Grant County Minerals (Dye E-mails -000064; Depo. Ex. 2, Dye)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice; and FRE 801 - Hearsay
22.	Agreement between Dye Oil Co. and Copperstone Oil & Gas Properties (Dye Oil Co.-000040-000041; Depo. Ex. 8, Dye)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice
25.	E-mail from Tracy Price to Gary Dye re: Definition of Miss Lime Formation (Dye E-mails-000078; Depo. Ex. 10, Dye)	FRE 801 - Hearsay
26.	E-mails between John Hodgden and Gary Dye re: Title Issue “Booze” (Dye E-mails-000083-000084; Depo. Ex. 11, Dye)	FRE 801 - Hearsay

#	Document	Objection
27.	E-mails between Gary Dye and John Hodgden re: zone description, Miller; includes attachment (Dye E-mails-000121-000122, Dye Oil Co.-000008; Depo. Ex. 30, Randy Miller)	FRE 801 – Hearsay Deposition Exhibit reference is different than Bates number document described
28.	E-mail from Gary Dye to Jim Scrivner re: Kita Morgan Mineral Interest (Dye E-mails-000123; Depo. Ex. 12, Dye)	FRE 801 - Hearsay
30.	Exhibit “A”, attachment to Memorandum of Sale between Randy Miller, individually, Randy Miller, LLC and Dye Oil Co., LLC (Dye E-mails-000141; Depo. Ex. 16, Dye)	
31.	Wiring Instructions and Amended Wiring Instructions from Dye Oil Co. to Summit Bank, and bank account statement of Dye Oil Co. (Dye Oil Co.-000009-000012; Depo. Exs. 13-14, Dye)	FRE 401 – Relevance FRE 403 – Cumulative, Unfair Prejudice FRE 801 - Hearsay
32.	Purchase and Sale Agreement between Dye Oil Co., LLC and WPP, LLC (Dye Oil Co.-000043-000084; Depo. Ex. 19, Dye)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice
33.	Mineral Deed from Randy Miller, individually and Randy Miller, LLC to Dye Oil Co., LLC (Depo. Ex. 34, Dye)	Deposition Exhibit reference is different than Bates number document described
34.	Exhibit “A”, attachment to Mineral Deed between Randy Miller, LLC and Dye Oil Co., LLC (Dye E-mails-000140; Depo. Ex. 15, Dye)	
35.	Invoice from Scott Rayburn, P.C. to Dye Oil Co., LLC (Dye E-mails-000986; Depo. Ex. 18, Dye)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice
36.	Mineral Rights Purchase and Sale Agreement between Keta Morgan and Dye Oil Co., LLC (Dye E-mails-001006-001011; Depo. Ex. 20, Dye)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice
37.	E-mails between Gary Dye and Randy Miller re: minerals (Dye E-mails-001002-001004, Dye E-mail-001012-001017)	
38.	Checking Account Statement of Dye Oil Co., LLC (Dye Oil Co.-000011; Depo. Ex. 107, Dye)	

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39.	E-mail from Gary Dye to Renee Schram re: Miller #1 well (Dye E-mails-001090; Depo. Ex. 106, Dye)	
40.	Agreement between Randy Miller and Lippard Auctioneers, Inc. (Lippard-001310) (Depo. Ex. 1, T. Lippard)	
41.	Audio Recordings of Lippard Auctions	FRE 801 – Hearsay; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
42.	Franchise Renewal Documents between United Country and Lippard (UC00039-00071; Depo. Ex. 27, T. Lippard; Depo. Ex. 44, M. Jones)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice Deposition Exhibit reference is different than Bates number document described
43.	E-mails between Troy Lippard and Alex Magid re: 9700 acres in Grant County (ZHN-001606-001607)	
44.	Payment from Dye Oil Co. to Randy Miller, \$300,000.00 (Dye Oil Co.-000015)	
45.	Chart re: net mineral acres (Dye E-mails-001109-001110; Depo. Ex. 21, Dye)	
46.	E-mails between Gary Dye, Tracy Price, John Gooding and James Thompson re: Dye I acquisition December 2012 (Dye E-mails-001222-001224)	
47.	Cell Phone Records of Brady Lippard (Lippard 001331-001459)	
48.	Purchase Agreement between Dorothy Marie Ryan Matthew, Trustee of the Dorothy Marie Ryan Matthew Living Trust and Dye Oil C., LLC (Dye Oil Co.-000118-000123; Depo. Ex. 23, Dye)	Deposition Exhibit reference is different than Bates number document described
49.	E-mails between Gary Dye and Tracy Price re: Randy Miller Auction (Dye E-mails-001135; Depo. Ex. 32, Randy Miller; Depo. Ex. 22, Dye)	FRE 801 - Hearsay
50.	Photos of land taken by Alex Magid (ZHN-002187-002198)	

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51.	E-mail from Gary Dye to Randy Miller re: Letter Agreement, Promissory Note and Mineral Mortgage; includes attachments (Dye e-mails-001144-001148; Depo. Exs. 27-30, Dye)	
52.	Outgoing Wire from Security National Bank, Randy Miller, to GIN Holdings, \$100,000.00 (Security National-000066)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice
53.	Check from Lippard Auctioneers to Randy Miller and deposit slip of Randy Miller re; same, \$65,465.60 (Security National-000049)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice
54.	Day Two Prebids from Proxibid (Depo. Ex. 60, C. Wright)	FRE 401 – Relevance; FRE 403 –Prejudice; and FRE 901(a)- Authentication
55.	Deposit Tickets and Checks (Security National-000049, 000052, 000056, 000066, 000087, 000094, 000128, 000177; Depo. Ex. 36, Randy Miller	FRE 401 – Relevance; FRE 403 – Cumulative and prejudice
56.	Day One Prebids from Proxibid (Depo. Ex. 57, C. Wright)	FRE 401 – Relevance; FRE 403 –Unfair Prejudice; and FRE 901(a) – Authentication
57.	Checks from Dye Oil Co. and GIN Holdings to Randy Miller and deposit slip of Miller re: same, \$157,921.00 (Security National-000087)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice
58.	Check from Dye Oil Co. to Randy Miller, \$57,921.00 (Dye Oil Co.-000016)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice
59.	Check from Dye Oil Co. to Ronnie Miller, \$57,921.00 (Dye Oil Co.-000019)	FRE 401 – Relevance; and FRE 403 – Cumulative and prejudice

#	Document	Objection
60.	Documents from Oklahoma Secretary of State re: formation of T. Turner Investments, LLC: (a) Details; (b) Articles of Organization; and (c) Certificate of Limited Liability Company; (d) 2013 and 2014 Annual Certificates (Depo. Ex. 71, Ronald Miller)	
61.	Operating Agreement re: T. Turner Investments, LLC (Miller 989-992; Depo. Ex. 72, Ronald Miller)	
62.	Check from Randy Miller to Secretary of State, \$125.00 (Security National-000029)	
63.	Check from Guarantee Abstract to Randy Miller, LLC and deposit slip of Randy Miller Farms re: same, \$31,402.40 (Security National-000177)	FRE 401 – Relevance; and FRE 403 – Cumulative, Unfair Prejudice
64.	Acknowledgment of Royalty Fee to Troy Lippard, \$90.00 (UC04401; Depo. Ex. 49, M. Jones)	Deposition Exhibit reference is different than Bates number document described
65.	Audio recording between Angie Lippard and Proxibid representative	FRE 801- Hearsay; FRE 602 – Foundation; FRE 901(a) - Authentication; and Not provided in discovery as required by FRCP 26(e)(1) (A)
66.	E-mails between Alex Magid, Troy Lippard and Angie Lipard (ZHN-001777)	
67.	“Updated Mineral Info.” (Lippard Flash Drive, folder called Minerals)	
68.	E-mail from Christine Barth to Angie Lippard re: Lots (Depo. Ex. 61, C. Wright)	FRE 801- Hearsay; and FRE901(a) - Authentication
69.	“Lease”(Lippard flash drive, folder called Minerals, Word version)	
70.	Handwritten notes, T. Turner Investments, LLC” (Lippard0192-0193; Depo. Ex. 2, T. Lippard; Depo. Ex. 36, Dye)	Deposition Exhibit reference is different than Bates number document described

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71.	Consignor Settlement, CO #427 from Lippard Auctioneers (Miller 823-832; Depo. Ex. 22, T. Lippard)	Deposition Exhibit reference is different than Bates number document described
72.	Consignor Settlement, CO #427 from Lippard Auctioneers (Miller 833-836; Depo. Ex. 22 T. Lippard)	Deposition Exhibit reference is different than Bates number document described
73.	Consignor Settlement, CO #427 from Lippard Auctioneers (Miller 837-841; Depo. Ex. 22, T. Lippard)	Deposition Exhibit reference is different than Bates number document described
74.	Consignor Settlement, CO #427 from Lippard Auctioneers (Lippard-000103-000110)	
75.	Phone records of Brady Lippard (Lippard-001444-001446; Depo. Ex. 70, B. Lippard)	
76.	Minerals and Terms on Minerals, etc. (Depo. Ex. 35, Dye)	FRE 106 – Completeness; and FRE 403 – Cumulative
77.	Day One Onsite Bids from Proxibid (Depo. Ex. 58, C. Wright)	FRE 801 – Hearsay; and FRE 901(a) – Authentication
78.	Day One Online Bids from Proxibid (Depo. Ex. 59, C. Wright)	FRE 801 – Hearsay; and FRE 901(a) – Authentication
79	Real Estate Purchase Contract between Randy Miller, LLC and Miller family Revocable Trust, with check from Ronald Miller (Depo. Ex. 73, Ronald Miller)	
80.	Day One and Day Two, Online, Onsite, Prebids and Registration files from Proxibid	FRE 801 – Hearsay; and FRE 901(a) – Authentication
81.	Brochure with Notes re: 2 Day Absolute Auction (Farm Credit of Enid; Depo. Ex. 4, T. Lippard)	FRE 106 – Completeness; FRE 403 – Cumulative; and FRE 801 – Hearsay
82.	Audio of opening remarks (Lippard flash drive, folder called Audio)	FRE 106 – Completeness;
83.	Audio of opening remarks (Lippard flash drive, folder called Audio)	FRE 106 – Completeness;

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84.	All videos and audios from auction	FRE 106 – Completeness; FRE 403 – Cumulative; FRE 801 – Hearsay; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
85.	All videos and audios from auction	FRE 106 – Completeness; FRE 403 – Cumulative; FRE 801 – Hearsay; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
86.	Notes by Lori Sheen (ZHN-000499-000501; Depo. Ex. 24 T. Lippard)	
87.	Auction books and notes of Carol Haygood (Farm Credit-000001-000378)	FRE 403 – Cumulative
88.	Screen shot of Tammy Church (Depo. Ex. 6, T. Lippard)	FRE 106 – Completeness; FRE 401 – Relevance; and FRE 901(a) – Authentication
89.	Screen shot of Angie Lippard (Depo. Ex. 7, T. Lippard)	FRE 106 – Completeness; FRE 401 – Relevance; FRE 403 – Cumulative, confusion and prejudice FRE 901(a) – Authentication
90.	Screen shot of Angie Lippard (Depo. Ex. 8, T. Lippard)	FRE 106 – Completeness; FRE 401 – Relevance; FRE 403 – Cumulative, confusion and prejudice FRE 901(a) – Authentication
91.	Screen shot of Proxibid screen (Depo. Ex. 9, T. Lippard)	FRE 106 – Completeness; FRE 401 – Relevance; FRE 403 – Cumulative, confusion and prejudice FRE 901(a) – Authentication

#	Document	Objection
92.	Screen shot of computer screens (Depo. Ex. 10, T. Lippard)	FRE 106 – Completeness; FRE 401 – Relevance; FRE 403 – Cumulative, confusion and prejudice FRE 901(a) – Authentication
93.	Screen shot of Angie Lippard and red file folder (Depo. Ex. 11, T. Lippard)	FRE 106 – Completeness; FRE 401 – Relevance; FRE 403 – Cumulative, confusion and prejudice FRE 901(a) – Authentication
94.	Screen shot of Troy Lippard with 212 card on rostrum (Depo. Ex. 12, T. Lippard)	FRE 106 – Completeness; FRE 401 – Relevance; FRE 403 – Cumulative, confusion and prejudice FRE 901(a) – Authentication
95.	Screen shot of Troy Lippard at rostrum (Depo. Ex. 13, T. Lippard)	FRE 106 – Completeness; FRE 401 – Relevance; FRE 403 – Cumulative, confusion and prejudice FRE 901(a) – Authentication
96.	Screen shot of Troy Lippard at rostrum, showing Auction Flex screen and tracking system screen (Depo. Ex. 14, T. Lippard)	FRE 106 – Completeness; FRE 401 – Relevance; FRE 403 – Cumulative, confusion and prejudice FRE 901(a) – Authentication
97.	Screen shot of two ladies at auction (Depo. Ex. 15, T. Lippard)	FRE 106 – Completeness; FRE 401 – Relevance; FRE 403 – Cumulative, confusion and prejudice FRE 901(a) – Authentication
98.	Brochure re: two day Absolute Auction (Depo. Ex. 29, T. Lippard)	FRE 403- Cumulative
99.	Brochure re: two day Absolute Auction (Depo. Ex. 1, Magid)	FRE 403 - Cumulative

#	Document	Objection
100.	E-mail from Angie Lippard to Alex Magid re: Purchase Contract (ZHN-001589)	
101.	Real Estate Purchase Contract between Randy Miller, LLC and ZHN (Miller 13-20; Depo. Ex. 35, Randy Miller)	
102.	Real Estate Purchase Contract between Randy Miller, LLC and ZHN (Depo. Ex. 2, Magid)	
103.	Contract for Sale of Oil, Gas and Other Minerals between Randy Miller, LLC and Dye Oil Co., LLC, with invoice attached (Lippard-000298-000306; Depo. Ex. 24, Dye)	
104.	E-mails between Alex Magid and Angie Lippard (ZHN-001682-001683)	
105.	Consignor Settlement, CO #427 from Lippard Auctioneers (Miller 842-847; Depo. Ex. 22, T. Lippard)	FRE 403 – Cumulative and Deposition Exhibit reference is different than Bates number document described
106.	Real Estate Purchase Contract between Randy Miller, LLC and ZHN (Miller 385-393; Depo. Ex. 34, Randy Miller)	FRE 403 – Cumulative
107.	Real Estate Purchase Contract between Randy Miller, LLC and ZHN (Depo. Ex. 2, Magid)	FRE 403 – Cumulative
108.	Day Two Onsite Bids from Proxibid (Depo. Ex. 62, C. Wright)	FRE 403 – Cumulative and confusion; FRE 801 – Hearsay; FRE 901(a) - Authentication
109.	Day Two Online Bids from Proxibid (Depo. Ex. 63, C. Wright)	FRE 401 – Relevance; and FRE 403 – Cumulative and confusion; and FRE 901(a) - Authentication
110.	List of All Bidders from Lippard Auctioneers, Inc. (Lippard-000096-000101; Depo. Ex. 76, A. Lippard; Depo. Ex. 109, Dye)	
111.	E-mails between Alex Magid and Angie Lippard re: added info. (ZHN-001632-001633)	

#	Document	Objection
112.	E-mails between Alex Magid and Angie Lippard re: Day 2 Contract (ZHN-000236-000237; Depo. Ex. 23, T. Lippard)	Deposition Exhibit reference is different than Bates number document described
113.	Check from Dye Oil Co. to Randy Miller, \$73,650.00 (Security National -000052)	
114.	Payment from Dye Oil Co. to Lippard Auctioneers, \$77,430.00 (Dye Oil Co.-000002)	
115.	Payment from Dye Oil Co. to Lippard Auctioneers, \$3,800.00 (Dye Oil Co.-000003; Dye Oil Co.-000107)	
116.	Payment from Dye Oil Co. to Randy Miller, \$73,650.00 (Dye Oil Co.-000017)	FRE 403 – Cumulative
117.	Payment from Dye Oil Co. to Ronnie Miller, \$123,650.00 (Dye Oil Co.-000020)	FRE 401 – Relevance; and FRE 403 – Prejudice
118.	E-mails re: reaching out to Troy Lippard (UC01480; Depo. Ex. 49, M. Jones)	FRE 401 – Relevance; and Deposition Exhibit reference is different than Bates number document described
119.	E-mails between Mike Jones, Stephen Kretsinger and Shawn Terrel (United Country) (UC01479-01481)	FRE 801 – Hearsay
120.	E-mails between Gary Dye, Richard McKnight and Dave Hartz re: minerals for sale -34-24-10 (Dye E-mails-001156-001158)	FRE 401 – Relevance; and FRE 801 – Hearsay
121.	E-mails between Alex Magid and Angie Lippard re: Day 2 Contract (ZHN-000204-000205)	
122.	E-mails between Richard McKnight, Gary Dye and David Hartz re: Minerals for Sale – 34-24-10 (Dye E-mails-001154-001155; Depo. Ex. 25, Dye)	FRE 401 – Relevance; FRE 403 – Prejudice; and FRE 801 – Hearsay
123.	Letter from Gary Dye (Dye Oil Co.) to Derick Matthew re: assignment of real estate (Dye Oil Co.-000005) Same as Ex)	
124.	Letter from Gary Dye (Dye Oil Co.) to Derick Matthew re: assignment of real estate (Lippard FD – 002021; Depo. Ex. 102, Matthew)	FRE 403 - Cumulative

#	Document	Objection
125	E-mails between Gary Dye and David Hartz re: NRP Acquires Oil and Gas Mineral Acreage; includes attachment (Dye E-mails-001195-001197)	FRE 401 – Relevance; FRE 403 – Prejudice; and FRE 801 – Hearsay
126.	Payment from Dye Oil Co. to Randy Miller, \$60,975.00 (Dye Oil Co.-000018)	FRE 401 – Relevance; and FRE 403 – Prejudice
127.	Payment from Dye Oil Co. to Ronnie Miller, \$60,975.00 (Dye Oil Co.-000021)	FRE 401 – Relevance; and FRE 403 – Prejudice
128.	Check from Dye Oil Co. to Randy Miller and deposit slip re: same, \$60,975.00 (Security National -000054)	FRE 401 – Relevance; and FRE 403 – Prejudice
129.	Check from Randy Miller Farms, LLC to Ronald L. Miller Trust, \$9,065.00 (Security National-000135)	FRE 401 – Relevance
130.	Check from Lippard Auctioneers to Randy Miller and deposit slip re: same, \$17,784.00 (Security National-000056)	
131.	Handwritten Notes, “Tracts 3, 4, 5, 7, 8, 9, 18, 19, 20-\$1,226,000” (ZHN-001392; Depo. Ex. 25, T. Lippard)	FRE 401 – Relevance; and FRE 901(a) - Authentication
132.	Deposit Summary of Dye Oil Co.; \$3,800.00 received from Derrick Matthew (Dye Oil Co.-000109)	
133.	E-mail from Dave Rose to Troy Lippard re: Texas Auction Academy (UC00098, UC00286; Depo. Exs.49, 53, M. Jones)	FRE 401 – Relevance; FRE 801 – Hearsay; and Deposition Exhibit reference is different than Bates number document described
134.	E-mails between Gary dye and James Thompson re: QCD & Miller 1-36 producing well (Dye E-mails-001198; Depo. Exs. 32 and 105, Dye)	FRE 401 – Relevance; and FRE 801 – Hearsay;
135.	Real Estate Purchase Contract between Randy Miller, LLC and Dorothy Marie Ryan Matthew Living Trust (Miller 207-212)	

#	Document	Objection
136.	Real Estate Purchase Contract between Randy Miller, LLC and Dorothy Marie Ryan Matthew Living Trust (Lippard FD-001992-001998; Depo. Ex. 103, Matthew)	FRE 403 – Cumulative
137.	E-mails between Angie Lippard and Kaysey Boltz re: Miller/Matthew (Guarantee 0103; Depo. Ex. 99, a. Lippard)	
138.	E-mails between Ronnie Miller and Gary Dye re: How are things going? (Dye E-mails-001200)	FRE 401 – Relevance; and FRE 801 – Hearsay
139.	Bank records from Security National Bank (Security National-000094; Depo. Ex. 101, Matthew)	
140.	E-mails between Gary Dye and Kasey Bolz re: Miller minerals (Dye E-mails-001201-001204)	FRE 801 – Hearsay
141.	E-mails between Alex Magid and Troy Lippard re: follow up (ZHN-001732)	
142.	E-mail from Angie Lippard to Clark McKeever re: Miller/Magid (Lippard0518)	
143.	E-mails from Angie Lippard to Alex Magid re: extension; includes “Supplemental Agreements” (ZHN-001537-001538; ZHN-000507-000508)	
144.	Check from Derick Matthew to Randy Miller, \$443,000.00 (Security National-000094)	FRE 403 – Cumulative
145.	E-mails between Gary Dye, Troy Lippard and Kasey Boltz re: Miller Minerals (DyeE-mails-001205-001206; Depo. Ex. 26, Dye)	FRE 403 – Cumulative; and FRE 801 – Hearsay
146.	E-mails between Gary Dye, Ronnie Miller, Troy Lippard and Kasey Boltz re: Miller Minerals (Dye E-mails-001207-001209)	FRE 401 – Relevance; and FRE 801 – Hearsay
147.	E-mails between Gary Dye, Troy Lippard and Kasey Boltz re: Miller Minerals (Dye E-mails-001210-001212)	FRE 401 – Relevance; and FRE 801 – Hearsay
148.	E-mails between Alex Magid and Troy Lippard re: Miller auction information (ZHN-001813-001814)	
149.	E-mails between Alex Magid and Troy Lippard re: Miller auction information (ZHN-001805-001808)	

#	Document	Objection
150.	E-mails between Alex Magid and Troy Lippard re: Miller auction information (ZH-000079-000082)	
151.	Letter from James Tack to Randy Miller and Troy Lippard re: demand for return of earnest money (ZHN-001477)	FRE 403 – Confusion and prejudice; and FRE 408 – Settlement
152.	Letter from Troy Lippard to James Tack (ZHN-001478)	FRE 403 – Confusion and prejudice; and FRE 408 – Settlement
153.	Letter from James Tack to Randy Miller and Troy Lippard (ZHN-00149)	FRE 403 – Confusion and prejudice; and FRE 408 – Settlement
154.	E-mails between Alex Magid and Troy Lippard re: Miller auction information (Lippard0412)	
155.	Letter from James Tack to Randy Miller and Troy Lippard (ZHN-001445-001447)	FRE 401 – Relevance
156.	E-mails between Troy Lippard and Kasey Bolz re: Miller/Dye Minerals (Guarantee Abstract-000121; Depo. Ex. 18, T. Lippard)	FRE 403 – Confusion and prejudice; and FRE 408 – Settlement
157.	E-mail from Gary Dye to Troy Lippard (Miller 68; Depo. Ex. 37, Dye)	
158.	E-mails between Eddie Sheen, Lori Sheen, Troy Lippard and Alex Magid re: Miller Auction May 3 rd and 4 th (ZHN-000049; Depo. Ex. 120, L. Sheen)	FRE 801 – Hearsay
159.	E-mails between Gary Dye and Troy Lippard (Dye E-mails-001219-001220)	
160.	E-mail from Angie Lippard to John Hodgden re: Miller/Magid (Lippard0530)	
161.	Release of Earnest Money between Randy Miller, LLC, Dye Oil Co., Lippard Auctioneers and Guaranty Abstract (Guarantee Abstract-000120; Depo. Ex. 17, T. Lippard)	
162.	Release of Earnest Money between Randy Miller, LLC, Dye Oil Co., Lippard Auctioneers and Guaranty Abstract (Dye E-mails-001221; Depo. Ex. 31, Dye)	

#	Document	Objection
163.	Acknowledgment of Royalty fee from United Country to Troy Lippard, \$3,000.00 (UC04461; Depo. Ex. 49, M. Jones)	RE 401 – Relevance and Deposition Exhibit reference is different than Bates number document described
164.	Letter from Michael J. Novotny to Randy Miller re: evidence preservation notice in anticipation of litigation (ZHN-002202-002204)	FRE 401 – Relevance; FRE 403 – Confusion and prejudice; and FRE 801 – Hearsay
165.	Letter from Michael J. Novotny to Troy Lippard re: evidence preservation notice in anticipation of litigation (ZHN-002205-002207)	FRE 401 – Relevance; FRE 403 – Confusion and prejudice; and FRE 801 – Hearsay
166.	Letter from Michael J. Novotny to United Country Auction Services re: evidence preservation notice in anticipation of litigation (ZHN-002208-002210)	FRE 401 – Relevance; FRE 403 – Confusion and prejudice; and FRE 801 – Hearsay
167.	Letter from Michael J. Novotny to Proxibid re: evidence preservation notice in anticipation of litigation (ZHN-002211-002213)	FRE 401 – Relevance; FRE 403 – Confusion and prejudice; and FRE 801 – Hearsay
168.	Letter from Michael J. Novotny to Roger Entz re: evidence preservation notice in anticipation of litigation (ZHN-002214-002216)	FRE 401 – Relevance; FRE 403 – Confusion and prejudice; and FRE 801 – Hearsay
169.	E-mail from Troy Lippard to John Hodgden re: Miller (Lippard 0515)	
170.	Acknowledgment of Royalty Fee from United Country to Troy Lippard, \$8,086.00 (UC04460; Depo. Ex. 49, M. Jones)	FRE 401 – Relevance and Deposition Exhibit reference is different than Bates number document described
171.	Closing documents re: purchase of tracts 17,18, 19 and 20 by Dorothy Marie Ryan Matthew Living Trust (Guarantee Abstract-000339-000346)	

#	Document	Objection
172.	Letter from Chartis to Troy Lippard (Lippard FD-001892-001894)	FRE 401 – Relevance; FRE 403 – Confusion and prejudice; and FRE 411 – Insurance
173.	Marketplace Solutions Agreement between United Country and Proxibid (UC04342-04347; Depo. Ex. 47, M. Jones)	FRE 401 – Relevance; and FRE 901(a) - Authentication
174.	Letter from James Tack to John Hodgden and Troy Lippard (ZHN-001483)	FRE 403 – Confusion and prejudice; FRE 408 – Settlement; and FRE 801 – Hearsay
175.	Settlement Statement between ZHN and Randy Miller, LLC, with Quit Claim Deed and Individual Warranty Deed (Lippard1463-1468)	FRE 401 – Relevance;
176.	E-mails between Jim Tack and John Hodgden re: Miller-Magid (ZHN-000442-000444)	FRE 403 – Confusion and prejudice; FRE 408 – Settlement; and FRE 801 – Hearsay
177.	E-mail from Angie Lippard to Troy Lippard (Lippard 0517; Depo. Ex. 28, T. Lippard)	
178.	Acknowledgment of Royalty Fee from United Country to Troy Lippard, \$3,897.00 (UC04489; Depo. Ex. 49, M. Jones)	FRE 401 – Relevance; and Deposition Exhibit reference is different than Bates number document described
179.	Release of Earnest Money between Randy Miller, LLC, ZHN, Lippard Auctioneers and Guaranty Abstract (UC01483; Depo, E.. 49, M. Jones)	Deposition Exhibit reference is different than Bates number document described
180.	E-mails between Angie Lippard and Kasey Bolz (Guarantee Abstract E-mails-000083)	FRE 401 – Relevance; and FRE 801 – Hearsay
181.	Fax from Lippard to Hodgden with list of high bidders and runner-up bidders (Miller 818-821; Lippard 0197-0200; Depo. Ex. 3, T. Lippard)	Deposition Exhibit reference is different than Bates number document described

#	Document	Objection
182.	Documents relating to Release of Earnest Money between Randy Miller, LLC, Dorothy Marie Ryan Matthew Living Trust, Lippard Auctioneers and Guarantee Abstract (Guarantee Abstract-00146-00147; Guaratee abstract-00162-00163; Depo. Exs. 19-21, T. Lippard)	FRE 403 – Cumulative; and Deposition Exhibit reference is different that Bates number document described
183.	E-mail from Troy Lippard to Linda Richardson (UC01482; Depo. Ex. 49, M. Jones)	FRE 401 – Relevance; FRE 403 – Prejudice; FRE 408 – Settlement; FRE 411 – Insurance; FRE 801 – Hearsay; and Deposition Exhibit reference is different that Bates number document described
184.	Deposit of check by Randy Miller Farms, LLC from Lippard Auctioneers, \$1,548.60 (Security National-000128)	
185.	Documents showing commissions (Lippard 0939; Lippard 0969-0970)	
186.	E-mails between Troy Lippard and John Hodgden (Lippard0722-0724)	FRE 401 – Relevance; FRE 801 – Hearsay;
187.	Acknowledgment of Royalty Fee from United Coutnry to Troy Lippard, \$5,010.00 (UC04503; Depo. Ex. 49, M. Jones)	FRE 401 – Relevance; and FRE 403 – Confusion; and Deposition Exhibit reference is different that Bates number document described
188.	E-mails between John Hodgden and Troy Lippard re: Miller Auction (Hodgden 104-105)	FRE 801 – Hearsay; and FRCP 26(b)(3) - preparation for litigation
189.	E-mails between John Hodgden and Troy Lippard re: Miller Auction (Hodgden 136-137)	FRE 401 – Relevance; FRE 403 – Confusion and prejudice FRE 801 – Hearsay; and FRCP 26(e)(1)(A) – preparation for litigation FRCP 26(b)(3) preparation for litigation

#	Document	Objection
190.	Invoice detail in electronic format (Lippard flash drive)	
191.	Note by Dave Rose re: call to Lippard (UC00096; Depo. Ex. 49, M. Jones)	FRE 106 – Completeness; FRE 401 – Relevance; and FRE 403 – Confusion; and Deposition Exhibit reference is different than Bates number document described
192.	Folder from Lippard, “Proxibid” with Auction Statistics (Lippard-001460-001464; Depo. Ex. 64 C. Wright)	FRE 801 – Hearsay; and FRE 901(a) - Authentication
193.	Clerking Change Log of Lippard Auctioneers (Lippard0237-0238; Depo. Ex. 5, T. Lippard)	FRE 401 – Relevance; and FRE 403 – Confusion
194.	Answer of Lippard Auctioneers, Inc., Troy Lippard, Angie Lippard, Brady Lippard and Jerry Whitney to Third Amended Complaint (Depo. Ex. 69, J. Whitney)	FRE 401 – Relevance; and FRE 403 – Confusion
195.	Responses of Jerry Whitney to Plaintiff’s First Request for Admission and Interrogatories (Depo. Ex. 66, J. Whitney)	FRE 401 – Relevance; and FRE 403 – Confusion
196.	Letter from George Dahnke to Christina Wright (proxibid-000082-000091; Depo. Ex. 55, C. Wright)	FRE 801 – Hearsay
197.	E-mail from Trina Turner to Linda Richardson re: 9700 Acre Absolute Auction (UC01477-01478; Depo. Ex. 52, M. Jones)	FRE 801 – Hearsay
198.	E-mails from Christina Wright to George Dahnke (Proxibid-000092-000093; Depo. Ex. 56, C. Wright)	FRE 801 – Hearsay
199.	Documents produced by Ronnie Miller in response to Subpoena Duces Tecum (Ronnie Miller-000001-000013; Depo. Ex. 74, Ronald Miller)	FRE 401 – Relevance; and FRE 901(a) - Authentication
200.	Plaintiff’s Supplemental Answer to Interrogatory No. 12 of Defendant, Lippard Auctioneers (Depo. Ex. 4, Magid)	FRE 401 – Relevance; and FRE 403 – Confusion

#	Document	Objection
201.	Pages from websites of United Country and Texas Auction Academy (Depo. Ex. 39, M. Jones)	FRE 401 – Relevance; FRE 403 – Confusion and prejudice; FRE 801 – Hearsay; FRE 901(a) - Authentication
202.	Pages from website of United Country, Meet the UCAS Team (Depo. Ex. 40, M. Jones)	FRE 401 – Relevance; FRE 403 – Confusion and prejudice; FRE 801 – Hearsay; FRE 901(a) - Authentication
203.	Pages from website of United Country, Buyers (Depo. Ex. 41, M. Jones)	FRE 401 – Relevance; FRE 403 – Confusion and prejudice; FRE 801 – Hearsay; FRE 901(a) - Authentication
204.	United Country, Marketing Paperwork (UC01545-01549; Depo. Ex. 42, M. Jones)	FRE 401 – Relevance; FRE 403 – Confusion and prejudice; FRE 801 – Hearsay; FRE 901(a) - Authentication
205.	United Country, Marketing Paperwork (UC04687-04688; Depo. Ex. 43, M. Jones)	FRE 401 – Relevance; FRE 403 – Confusion and prejudice; FRE 801 – Hearsay; FRE 901(a) - Authentication
206.	Auctions, A Potent Buying and Selling Solution in the Real Estate Market (UC01551-01552; Depo. Ex. 48, M. Jones)	FRE 401 – Relevance; FRE 403 – Confusion and prejudice; FRE 801 – Hearsay; FRE 901(a) - Authentication

#	Document	Objection
207.	Auction Proposal from United Country (UC01668-01670, UC01686, 01873-01845; Depo. Ex. 50, M. Jones)	FRE 401 – Relevance; FRE 403 – Confusion and prejudice; FRE 801 – Hearsay; FRE 901(a) – Authentication; and Deposition Exhibit reference is different than Bates number document described
208.	Master Auctioneer Designation Course from United Country (UC04334-04335; Depo. Ex. 51, M. Jones)	FRE 401 – Relevance; FRE 403 – Confusion and prejudice; FRE 801 – Hearsay; FRE 901(a) – Authentication
209.	Information from Proxibid website (Depo. Ex. 65, C. Wright)	FRE 401 – Relevance; FRE 403 – Confusion and prejudice; FRE 801 – Hearsay; FRE 901(a) – Authentication
210.	Proxibid Unified User Agreement (Depo. Ex. 65, C. Wright)	FRE 401 – Relevance; FRE 403 – Confusion and prejudice; FRE 801 – Hearsay; and FRE 901(a) – Authentication
211.	Red Folder Contents, Tract 2, Burlie (Lippard1858-1878; Depo. Ex. 77, A. Lippard)	FRE 401 – Relevance; FRE 403 – Confusion and cumulative; and FRE 901(a) – Authentication
212.	Red Folder Contents, Tract 11, Will Sun (Lippard1836-1857; Depo. Ex. 78, A. Lippard)	FRE 401 – Relevance; FRE 403 – Confusion and cumulative; and FRE 901(a) – Authentication

#	Document	Objection
213.	Red Folder Contents, Tract 24, McClure (Lippard1879-1904; Depo. Ex. 79, A. Lippard)	FRE 401 – Relevance; FRE 403 – Confusion and cumulative; and FRE 901(a) – Authentication
214.	Red Folder Contents, Tract 25, Miller (Lippard1905-1924; Depo. Ex. 80, A. Lippard)	FRE 401 – Relevance; FRE 403 – Confusion and cumulative; and FRE 901(a) – Authentication
215.	Red Folder Contents, Tract 26, Valvalka (Lippard1925-1948; Depo. Ex. 81, A. Lippard)	FRE 401 – Relevance; FRE 403 – Confusion and cumulative; and FRE 901(a) – Authentication
216.	Red Folder Contents, Tract 31, Welch (Lippard1949-1970; Depo. Ex. 82, A. Lippard)	FRE 401 – Relevance; FRE 403 – Confusion and cumulative; and FRE 901(a) – Authentication
217.	Red Folder Contents, Tracts 32-33, Conrady (Lippard1971-1999; Depo. Ex. 83, A. Lippard)	FRE 401 – Relevance; FRE 403 – Confusion and cumulative; and FRE 901(a) – Authentication
218.	Red Folder Contents, Tract 36, Wilson (Lippard 2000-2021; Depo. Ex. 84, A. Lippard)	FRE 401 – Relevance; FRE 403 – Confusion and cumulative; and FRE 901(a) – Authentication
219.	Red Folder Contents, Tract 39, Dye Oil Co. (Lippard 2022-2033; Depo. Ex. 85, A. Lippard)	FRE 401 – Relevance; FRE 403 – Confusion and cumulative; and FRE 901(a) – Authentication
220.	Red Folder Contents, Tracts 61, 40, 41, 57-60, 61-63, 65-66, LeForce (Lippard 2034-2051; Depo. Ex. 86, A. Lippard)	FRE 401 – Relevance; FRE 403 – Confusion and cumulative; and FRE 901(a) – Authentication

#	Document	Objection
221.	Red Folder Contents, Tracts 45 and 47, Sheen (Lippard 2097-2120; Depo. Ex. 87, a. Lippard)	FRE 401 – Relevance; FRE 403 – Confusion and cumulative; and FRE 901(a) – Authentication
222.	Red Folder Contents, Tract 46, Mitchell (Lippard 2121-2143; Depo. Ex. 88, A. Lippard)	FRE 401 – Relevance; FRE 403 – Confusion and cumulative; and FRE 901(a) – Authentication
223.	Red Folder Contents, Tract 49, Reger (Lippard 2144-2163; Depo. Ex. 89, A. Lippard)	FRE 401 – Relevance; FRE 403 – Confusion and cumulative; and FRE 901(a) – Authentication
224.	Red Folder Contents, Tract 64, Rempel (Lippard 2220-2241; Depo Ex. 90, A. Lippard)	FRE 401 – Relevance; FRE 403 – Confusion and cumulative; and FRE 901(a) – Authentication
225.	Red Folder Contents, Tract 67, Hare (Lippard 2242-2260; Depo. Ex. 91, A. Lippard)	FRE 401 – Relevance; FRE 403 – Confusion and cumulative; and FRE 901(a) – Authentication
226.	Red Folder Contents, Tracts 17, 1, 18, 19, 20, Matthew (Lippard 2261-2282; Depo. Ex. 92, A. Lippard)	FRE 401 – Relevance; FRE 403 – Confusion and cumulative; and FRE 901(a) – Authentication
227.	Red Folder Contents, Tracts 42 and 23, Skipper (Lippard 2062-2096; Depo. Ex. 93, A. Lippard)	FRE 401 – Relevance; FRE 403 – Confusion and cumulative; and FRE 901(a) – Authentication
228.	Red Folder Contents, Tracts 50 and 51, Rodenburg (Lippard 2164-2194; Depo. Ex. 94, A. Lippard)	FRE 401 – Relevance; FRE 403 – Confusion and cumulative; and FRE 901(a) – Authentication

#	Document	Objection
229.	Red Folder Contents, Tracts 53-56, Lanie (Lippard 2195-2219; Depo. Ex. 95, A. Lippard)	FRE 401 – Relevance; FRE 403 – Confusion and cumulative; and FRE 901(a) - Authentication
230.	Red Folder Contents, Magid, ZHN (Lippard 1765-1835; Depo. Ex. 96, A. Lippard)	FRE 401 – Relevance; FRE 403 – Confusion and cumulative; and FRE 901(a) - Authentication
231.	Screen shot of Proxibid screen (Depo. Ex. 97, A. Lippard)	FRE 106 – Completeness; FRE 401 – Relevance; and FRE 901(a) - Authentication
232.	Screen shot of Auction Flex screen (Depo. Ex. 98, A. Lippard)	FRE 106 – Completeness; FRE 401 – Relevance; and FRE 901(a) - Authentication
233.	Summary of Dye Oil Payments and Closings (Depo. Ex. 108, Dye)	FRE 401 – Relevance; FRE 403 – Confusion & prejudice; and FRE 901a – Authentication
234.	Bidding List (Depo. Ex. 5, Magid)	FRE 401 – Relevance; FRE 403 – Confusion & prejudice; FRE 801 – Hearsay; and FRE 901a – Authentication
235.	“The Complete Idiot’s Guide to Live Auctions” by the National Auctioneers Association	FRE 401 – Relevance; FRE 403 – Confusion & prejudice; FRE 801 – Hearsay; and Not provided in discovery as required by FRCP 26(e)(1) (A)
236.	Official Statement of National Auctioneers Association Concerning Proper Ethical Conduct for Absolute Auctions of Real Estate (Depo. Ex. 45, M. Jones)	FRE 401 – Relevance; FRE 403 – Confusion & prejudice; and FRE 801 – Hearsay; and FRE 901a – Authentication

#	Document	Objection
237.	National Auctioneers Association Code of Ethics (Depo. Ex. 46, M. Jones)	FRE 401 – Relevance; FRE 403 – Confusion & prejudice; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
238.	Articles by Drew L. Kershen, “Horse-Tradin’: The Legal Implications of Livestock Auction Bidding Practices”; Parts 1 and 2	FRE 401 – Relevance; FRE 403 – Confusion & prejudice; FRE 701, 702, 703 & 705 – scope and basis of testimony; FRE 801 – Hearsay; Not properly described and identified as required by FRCP 26(a)(A)(iii); and Not provided in discovery as required by FRCP 26(e)(1) (A)
239.	Total USDA Subsidies in Grant County, Oklahoma, 2012	FRE 401 – Relevance; and FRE 403 – Confusion & prejudice
240.	USDA Subsidy Information for Randy L. Miller	FRE 401 – Relevance; FRE 403 – Confusion & prejudice; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
241.	RCIS Production Reports (Lippard-001470-001503)	
242.	Documents relating to Lippard’s Real Estate Bank Account (Lippard-001504-001565)	

#	Document	Objection
243.	Phone records of Jerry and Teresa Whitney (Lippard-000307-000415)	FRE 901(a) Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
244.	Phone Records of Derick Matthew (Matthew-000062-000364)	FRE 901(a) Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
245.	Phone Records of Greg Winkeljohn (Lippard-000777-000944)	FRE 901(a) Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
246.	Phone Records of Ronnie Miller	FRE 901(a) Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
247.	Phone Records of Wesley Dotson (Dotson, Wesley-000001-000440)	FRE 901(a) Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
248.	Items requested at the deposition of Angie Lippard and yet to be produced	FRE 901(a) Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
249.	Court Records Regarding Randy Miller, Randy Miller, LLC, Drilling Mud Supply and any other entity with which Randy Miller is affiliated	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; Not properly described and identified as required by FRCP 26(a)(A)(iii); and Not provided in discovery as required by FRCP 26(e)(1) (A)

#	Document	Objection
250.	Documents and other items produced by ZHN, LLC	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
251.	Documents and other items produced by Randy Miller, LLC and/or Randy Miller, individually	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
252.	Documents and other items produced by Lippard Auctioneers, Troy Lippard, Angie Lippard, Brady Lippard and/or Jerry Whitney	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
253.	Documents and other items from the websites of Lippard Auctioneers and/or United Country Real Estate	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
254.	Documents and other items produced by United Country Real Estate, Inc., d/b/a United Country Auction Services and United Country Real Estate Services	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)

#	Document	Objection
255.	Documents and other items produced by AT&T	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
256.	Documents and other items produced by Gary Dye and/or Dye Oil Co.	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
257.	Documents and other items produced by Wesley Dotson	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
258.	Documents and other items produced by Roger Entz and/or Entz Auction & Realty	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
259.	Documents and other items produced by Farm Credit of Enid	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)

#	Document	Objection
260.	Documents and other items produced by Guarantee Abstract	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
261.	Documents and other items produced by John Hodgden	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
262.	Documents and other items produced by JP Morgan Chase Bank	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
263.	Documents and other items produced by KJ Productions	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
264.	Documents and other items produced by Derick Matthew	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)

#	Document	Objection
265.	Documents and other items produced by NTS Communications	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
266.	Documents and other items produced by Pioneer Cellular	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
267.	Documents and other items produced by Pioneer Telephone	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
268.	Documents and other items produced by Proxibid	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
269.	Documents and other items produced from the website of Proxibid	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)

#	Document	Objection
270.	Documents and other items produced by Ronnie Miller	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
271.	Documents and other items produced by Security National Bank	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
272.	Documents and other items produced by Edward and Lori Sheen	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
273.	Documents and other items produced by Summit Bank f/k/a Commerce Bank	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
274.	Documents and other items produced by Texas Auction Academy	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)

#	Document	Objection
275.	Responses of Defendants to written discovery requests	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
276.	Exhibits to depositions taken during the remainder of discovery	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
277.	Any exhibit necessary for rebuttal	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
278.	Documents produced as a result of further discovery	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)
279.	Any exhibit listed by another party to which ZHN does not object	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)

#	Document	Objection
280.	Demonstrative aids and exhibits	FRE 401 – Relevance; FRE 403 – Cumulative; FRE 801 – Hearsay; FRE 901a – Authentication; and Not properly described and identified as required by FRCP 26(a)(A)(iii)

Respectfully submitted,

/S/ Clint A. Claypole

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of January, 2015, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit Notice of Electronic Filing to the following ECF registrants:

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/S/ Clint A. Claypole

Clint A. Claypole